

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF VENTURA
VENTURA DIVISION**

TENTATIVE RULINGS

EVENT DATE: 08/19/2020

EVENT TIME: 08:20:00 AM

DEPT.: 20

JUDICIAL OFFICER: Matthew P. Guasco

CASE NUM: 56-2019-00528075-CU-BC-VTA

CASE TITLE: MEAD VS. KRISTJANSSON

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Breach of Contract/Warranty

EVENT TYPE: Motion for Leave to File Cross Complaint - Reserved by Counsel for Defendant Kris Kristjansson

CAUSAL DOCUMENT/DATE FILED: Motion for Leave to File, 03/02/2020

Notice Regarding Courtroom 20 Law & Motion Procedures: The law and motion calendar in Courtroom 20 before Judge Matthew P. Guasco starts promptly at 8:30 a.m. Ex parte applications will be heard at the same time as matters on the law and motion calendar. Parties appearing by Court Call must check in with the Judicial Assistant by 8:20 a.m. No notice of intent to appear is required. Parties wishing to submit on the tentative decision must so notify the Court by e-mail at Courtroom20@ventura.courts.ca.gov or by fax to Judge Guasco's secretary, Lori Jacques at (805) 477-5892. **Do not call in lieu of sending an e-mail or fax.** If a party submits on the tentative decision without appearing, but another party appears, the hearing will be conducted in the absence of the non-appearing party. Effective February 13, 2018, all cases assigned to Courtroom 20 are assigned for all purposes (including trial) to Judge Guasco.

COVID-19 NOTICE: Pursuant to the administrative orders of the Presiding Judge and the Civil Reopening Plan, effective June 10, 2020, and until further notice, all attorneys and self-represented parties in law and motion hearings must appear telephonically via Court Call; there shall be no personal appearances in the courtroom without the prior express approval of Judge Guasco. You may contact Court Call as follows: www.courtcall.com or call 888-882-6878.

The following is the Court's tentative decision concerning the motion of defendants, Kris Kristiansson ("Kristiansson"), and Castle Rock Communities, LLC ("Castle Rock") (alternatively and collectively, "moving parties") for leave to file a Cross-Complaint against plaintiff, Norman W. Mead ("Mead"):

The Court **DENIES** Mead's request for judicial notice. The documents at issue are not properly the subject of either mandatory or permissive judicial notice.

The Court **GRANTS** the motion of Kristiansson and Castle Rock to file the proposed Cross-Complaint against Mead. The proposed Cross-Complaint is compulsory; it arises from the same events, occurrences and transactions which are the subject of the Complaint. (Code of Civ. Proc., § 428.10, subd. (a); *K.R.L. Partnership v. Superior Court (Pemberton)* (2004) 120 Cal.App.4th 490, 498, 15 Cal.Rptr.3d 517.) Compulsory cross-complaints must be timely asserted, otherwise they are barred. (Code of Civ. Proc., § 426.30, subd. (a).) Accordingly, the law liberally favors permitting leave to file compulsory cross-complaints to avoid a forfeiture of claims. (*Silver Organizations Ltd. v. Frank* (1990) 217 Cal.App.3d 94, 98-99, 265 Cal.Rptr. 681.) In the absence of bad faith, a late-filed motion for leave to file a compulsory cross-complaint must be granted even on the eve of trial; it is an abuse of the trial court's discretion to deny such a motion. (*Ibid.*)

Here, the Court concludes that the proposed compulsory Cross-Complaint is not in bad faith. It would be an abuse of discretion for the Court to deny this motion.

The Court enters its **ORDER** granting the motion and directing moving parties to file the proposed Cross-Complaint by 4:00 p.m. on **August 20, 2020**.

Counsel for moving parties shall serve and file a notice of ruling and proposed order consistent with the above and in

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conformity with the Code of Civil Procedure and the California Rules of Court. A copy of this tentative decision (if adopted by the Court as its final decision) may be attached to and incorporated in the proposed order in lieu of quoting same verbatim in the body of the document.